

PTO/SB/17 (12-04v2)


Approved for use through 07/31/2006, OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/728,207
		Filing Date	December 1, 2000
		First Named Inventor	NAGAI et al.
		Examiner Name	CHEN, Stacy
		Art Unit	1648
TOTAL AMOUNT OF PAYMENT (\$) 250.00		Attorney Docket No.	SPO-012C

<b>METHOD OF PAYMENT (check all that apply)</b>	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>50-2101</u> Deposit Account Name: <u>SMITH PATENT CONSULTING</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	
<input type="checkbox"/> Credit any overpayments	
<b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
	<b>Small Entity</b>		<b>Small Entity</b>		<b>Small Entity</b>		
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
						<b>Small Entity</b>	
<b>Fee Description</b>						<b>Fee (\$)</b>	<b>Fee (\$)</b>
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
- 20 or HP = _____ x _____ = _____					<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	
HP = highest number of total claims paid for, if greater than 20.							
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
- 3 or HP = _____ x _____ = _____							
HP = highest number of independent claims paid for, if greater than 3.							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>			<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	
- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____							
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)						<b>Fees Paid (\$)</b>	
Other (e.g., late filing surcharge): Extension of Time (Code 1251); Terminal Disclaimer (Code 1814)						\$250.00	

<b>SUBMITTED BY</b>		
Signature 	Registration No. 41,589 (Attorney/Agent)	Telephone 703-549-7691
Name (Print/Type) CHALIN A. SMITH		Date 12/29/04

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

DEC 29 2004

MAIL STOP AF

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Y. Nagai et al.  
Title: Recombinant Sendai Virus  
Appl. No.: 09/728,207  
Filing Date: December 1, 2000  
Examiner: S. CHEN  
Art Unit: 1648  
Atty Docket No: SPO-012C

## MAIL STOP AF

Honorable Commissioner for Patents  
P.O Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Please find the following correspondence items submitted by facsimile to the United States Patent and Trademark Office at fax number 703-872-9306 on December 29, 2004 for filing:

1. Certificate of Facsimile Transmission;
2. Petition for One Month Extension of Time;
3. Request for Reconsideration Under Rule 1.116;
4. Terminal Disclaimer for USPN 6,828,138; and
5. Fee Transmittal;

Respectfully submitted,

Date: 12/29/04By: 

Name: Chalin A. Smith  
Title: Attorney for Applicant  
Registration No. 41,569

RECEIVED  
CENTRAL FAX CENTER

DEC 29 2004

MAIL STOP AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Y. Nagai et al.  
Title: Recombinant Sendai Virus  
Appl. No.: 09/728,207  
Filing Date: December 1, 2000  
Examiner: S. CHEN  
Art Unit: 1648  
Atty Docket No: SPO-012C

MAIL STOP AF  
Honorable Commissioner for Patents  
P.O Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION UNDER 37 CFR § 1.116

Dear Sir:

In response to the Final Office Action dated August 5, 2004 and the Advisory Action dated December 16, 2004 concerning the above-referenced patent application, please enter the following remarks: